

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
SUBBAROW FABRICS,

Plaintiff

Case No: 07-cv-2810

Vs.

J.R.R. ROSENTHAL GROUP, INC.
D/B/A TAILOR NEW YORK,
CHASEMAX INC.

**Motion for Entry of
Default Judgment**

**ASSIGNED JUDGE:
HON. JUDGE PATTERSON**

Defendants

-----X

The undersigned counsel, on behalf of plaintiff, Subbarow Fabrics, move this Court for entry of a default judgment as to defendant Scuba Retailers Association, Inc., upon the complaint heretofore filed and served upon the defendant, in accordance with the provisions of Rule 55(b)(2), Federal Rules of Civil Procedure, and in support thereof shows the Court the following.

1. On April 9, 2007 Plaintiff Subbarow Fabrics filed a complaint against Defendants J.R.R. Rosenthal Group and Chasemax Inc. in the United States District Court for the Southern District of New York. The complaint alleged, *inter alia*, non-payment of funds for goods received.
2. On May 11, 2007 a copy of said complaint was duly served upon Defendant J.R.R. Rosenthal Group, D/B/A Tailor New York by process server.

3. A case management conference scheduled for June 12, 2007 was scheduled before the honorable court. Although notified by Plaintiff, Defendant J.R.R. Rosenthal Group both failed to appear for said conference and failed to file a timely answer to Plaintiff's complaint.
4. On October 26, 2007, after more than 20 days had elapsed since service of the complaint and summons to Defendant J.R.R. Rosenthal Group and no Answer thereto having been served by Defendant upon the Plaintiff, counsel for Plaintiff notified Richard Rosenthal, the owner/president of J.R.R. Rosenthal Group of Plaintiff's intention to petition this court for entry of a default judgment against said Defendant. This drastic action was taken after months of efforts by Plaintiff to reach an amicable settlement. Defendant Rosenthal Group has failed to: file a timely answer; respect the court's time by appearing when requested; and, negotiate in good faith.
5. Defendant has failed to plead or otherwise defend this action, and Plaintiff Subbarow Fabrics is entitled to judgment by default against defendant.
6. Pursuant to the provisions of Rule 55(b)(2), Federal Rules of Civil Procedure, this Court is empowered to enter a default judgment against the defendant for relief sought by plaintiff in its complaint. Though not required by the Federal Rules of Civil Procedure, Plaintiff has sent a copy of motion to Defendant J.R.R. Rosenthal via fax and via overnight mail to Defendant's last known address.

DEMAND FOR RELIEF

WHEREFORE, Plaintiff prays that this Court:

- A. enter a judgment of default against Defendant J.R.R. Rosenthal Group, Inc.
D/B/A Tailor New York.
- B. That Judgment be entered against Defendant J.R.R. Rosenthal Group, Inc., and
damages be awarded in the amount of \$88,527.90, exclusive of costs and interest,
as determined by the honorable court;
- C. That Plaintiff be awarded its reasonable attorneys' fees, plus costs of this action;
and
- D. Granting Plaintiff such other and further relief as the court deems just and proper.

Dated: New York, NY
December 5, 2007

LAW OFFICES OF SANJAY CHAUBEY

By: _____/S/
Saif M. Agha, Esq.
Attorney for Plaintiff

Empire State Building
350 5th Avenue, Suite 5013
New York, NY 10018
Tel: (212) 563-3223
Fax: (212) 563-4534